

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

AMERICAN COLLEGE OF  
OBSTETRICIANS AND  
GYNECOLOGISTS, *on behalf of its members  
and members' patients*,  
COUNCIL OF UNIVERSITY CHAIRS OF  
OBSTETRICS AND GYNECOLOGY, *on  
behalf of its members and members' patients*,  
NEW YORK STATE ACADEMY OF  
FAMILY PHYSICIANS, *on behalf of its  
members and members' patients*,  
SISTERSONG WOMEN OF COLOR  
REPRODUCTIVE JUSTICE COLLECTIVE,  
*on behalf of its members and members'  
patients*, and  
HONOR MACNAUGHTON, M.D.,

Plaintiffs,

v.

UNITED STATES FOOD AND DRUG  
ADMINISTRATION;  
STEPHEN M. HAHN, M.D., *in his official  
capacity as Commissioner of Food and Drugs,  
and his employees, agents and successors in  
office*,  
UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES and  
ALEX AZAR, J.D., *in his official capacity as  
Secretary, United States Department of  
Health and Human Services, and his  
employees, agents and successors in office*,

Defendants.

Civil Action No. TDC-20-1320

**ORDER**

Pending before the Court is Defendants' Motion to Stay Preliminary Injunction Pending Appeal, ECF No. 104. In deciding whether to grant a stay, the Court considers four factors: "(1)

whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure other parties interested in the proceeding; and (4) where the public interest lies.” *Hilton v. Braunschweig*, 481 U.S. 770, 776 (1987). The Government’s harm and the public interest merge when the Government is a party. *See Nken v. Holder*, 556 U.S. 418, 435 (2009).

Having reviewed the Motion to Stay, the Court finds that for reasons stated in the Court’s Memorandum Opinion on Plaintiffs’ Motion for a Preliminary Injunction, ECF No. 90, Defendants do not satisfy the requirements for a stay of the preliminary injunction. Accordingly, it is hereby ORDERED that Defendant’s Motion to Stay Preliminary Injunction Pending Appeal, ECF No. 104, is DENIED.

Date: July 30, 2020

/s/ *Theodore D. Chuang*  
THEODORE D. CHUANG  
United States District Judge